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Attorneys for Plaintiff
R. R. DONNELLEY & SONS COMPANY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

R. R. DONNELLEY & SONS
COMPANY, a Delaware corporation,

Plaintiff,

v.
JOHN PAPPAS III, an individual, and
DOES 1-10.

Case No. 2:21-cv-00753-JAM-AC

STIPULATION FOR ENTRY OF PRELIMINARY INJUNCTION

**ASSIGNED FOR ALL PURPOSES
TO JUDGE**

Defendants.

Plaintiff R. R. DONELLEY & SONS COMPANY (“RRD”) and Defendant JOHN PAPPAS III (“Pappas”), by and through their respective counsel, hereby stipulate as follows:

1. WHEREAS, Pappas is a former employee of RRD;
 2. WHEREAS, as alleged in RRD's April 26, 2021 Complaint, prior to Pappas' resignation, Pappas engaged in conduct that RRD contends breached his duty or loyalty and by downloading RRD Confidential Information, as defined below, using a non RRD computer and then deleting those files from RRD's cloud-based storage accounts;
 3. WHEREAS Pappas is now working for Dome Printing.

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4. WHEREAS, Pappas denies all of the allegations of wrongdoing set forth in the Complaint, and admits to no wrongdoing, misconduct, and/or breach of any obligation; and

5. WHEREAS, to avoid the cost and expense of going through a Temporary Restraining Order and Preliminary Injunction proceeding, RRD and Pappas are in agreement on the terms of a stipulated preliminary injunction.

IT IS SO STIPULATED between RRD and Pappas, through their respective attorneys of record, that based on this record and the recitals contained above, the Court should enter a Preliminary Injunction:

a) Enjoining Pappas, and those acting in concert with him from: (i) using, disclosing, exploiting, transmitting, copying, or accessing, either directly or indirectly, any RRD confidential, proprietary, and/or trade secret information (collectively the “Confidential Information”) in any way, regardless of where stored or copied; and (ii) deleting or manipulating any Confidential Information or other data copied or taken from RRD that Pappas or his agents have uploaded and/or stored using any computer, USB device(s), external hard drive, and/or cloud-based storage account, or any other software or hardware application of any kind.

b) Compelling Pappas, and those acting in concert with him, within five (5) days to: (i) immediately turn over to RRD any and all RRD hard copy records containing any RRD Confidential Information that is in Pappas's possession, custody, or control; (ii) make all of Pappas's personal electronic data storage system(s) and/or personal computer(s), including but not limited to computers, hard drives, USB storage devices, cloud based data storage systems, smart phones, and any other electronic storage device(s) (together with log-ons and passwords for each) available to an independent third party forensic analyst, agreed upon by the parties, to create a forensic image to (a)

1 preserve data; and (b) verify if Pappas is in possession, custody, or control
2 of RRD's Confidential Information, and to determine any and all uses,
3 copies, or transmissions of such data while in Pappas's control or custody.

- 4 i. Such analyst shall not provide any information to RRD from such
5 devices or systems unrelated to the RRD Confidential Information
6 but shall provide to Plaintiff's counsel a copy of all RRD
7 Confidential Information located through such forensic analysis and
8 any material reflecting or relating to the copying, transport, or use of
9 the RRD's Confidential Information.
- 10 ii. For the avoidance of doubt, the examiner shall not disclose: (a)
11 privileged information between Pappas and his attorneys; or (b)
12 information subject to other confidentiality obligations Pappas may
13 have to other third parties, including Dome Printing. To ensure no
14 privileged/non-RRD proprietary information is provided to RRD, the
15 files/folders that are located by the forensic examiner will first be
16 sent to counsel for Pappas, and Pappas's counsel will have five days
17 to review the same and if it believes that any of the data contains
18 privileged and/or non-RRD's proprietary information belonging to
19 third parties, counsel for Pappas will produce a privilege log to be
20 sent to counsel for RRD. The parties will then work together in good
21 faith to resolve any disputes over privilege/non-RRD proprietary
22 information. The neutral forensic examiner shall exercise his/her
23 reasonable business judgment in resolving any dispute. Exclusionary
24 keywords may be used to identify putatively privileged documents for
25 review by Pappas's counsel in accordance with the above
26 procedures.

- 27 c) Compelling Pappas to preserve all evidence, whether electronic

1 or otherwise, related in any way to this matter.

2 d) Compelling Pappas to respond to and provide substantive
3 responses within seven (7) days of service to one (1) set of document requests
4 consisting of fifteen inspection demands and one (1) set of interrogatories
5 consisting of fifteen interrogatories and also submit to a deposition no later
6 than fourteen (14) days after the issuance of this Order.

7 Dated: April 29, 2021

Respectfully Submitted,

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10 MARK A. ROMEO
11 DEREK S. HECHT
12 LITTLER MENDELSON, P.C.
13 Attorneys for Plaintiff
R.R. DONNELLEY & SONS
COMPANY

14 Dated: April 29, 2021

BUCHALTER, P.C.

15 By: 

16 Dylan W. Wiseman
Berit Elam
17 Attorneys for Defendant
18 JOHN PAPPAS III

22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 Dated: April 30, 2021

/s/ John A. Mendez

26 THE HONORABLE JOHN A. MENDEZ
27 UNITED STATES DISTRICT COURT JUDGE